
OLR Bill Analysis

HB 6487

AN ACT CONCERNING A PROPERTY OWNER'S LIABILITY FOR THE EXPENSES OF REMOVING A FALLEN TREE OR LIMB.

SUMMARY:

This bill establishes conditions in which a private land owner is liable to pay for removing a tree or tree limb that falls from his or her property onto an adjoining private owner's land. But the bill excludes nonprofit organizations from this liability.

Under the bill, the owner is liable if, before the tree or limb fell:

1. a licensed arborist inspected the tree and documented that the tree or limb was diseased or likely to fall,
2. the adjoining property owner notified the land owner about the tree's or limb's condition and requested that the tree or limb be removed or pruned, and
3. the land owner failed to do so after receiving this notice.

Under the bill, if an arborist needs access to the property for such an inspection and the owner does not consent, the arborist can limit the inspection to the tree or limb portions that are visible from the adjoining land.

The bill allows an insurance company to deduct from a payment under a liability policy the amount the policyholder recovers under the bill, to the extent that amount would be a covered loss under the policy. It does not otherwise affect a policyholder's rights under a liability policy.

It also specifies that it must not be construed to limit other civil remedies allowed by law.

EFFECTIVE DATE: October 1, 2013

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 41 Nay 0 (04/19/2013)